

# PALMER & DODGE LLP

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## BY MESSENGER

Mary Cottrell, Secretary  
Department of Telecommunications and Energy  
Commonwealth of Massachusetts  
One South Station  
Boston, MA 02110

**Re: D.T.E. 01-20 – UNE Rates**

Dear Secretary Cottrell:

I write on behalf of AT&T in response to: (i) the Hearing Officer's request, dated October 23, 2001, for statements of witness availability; and (ii) Verizon's letter dated October 29, 2001, in which it unilaterally asserts that it will not comply with the Department's recent order to produce further discovery in support of Verizon's cost models.

First, during the three weeks scheduled for hearings AT&T witnesses have the following constraints on their ability to appear and testify before the Department:

Dick Lee: Also scheduled to appear in other jurisdictions during the weeks of November 26 and December 3. May be available on some days during those weeks. Generally available during the week of December 10.

John Hirshleifer: Not available during the week of December 3, as he is due to appear in two other jurisdictions.

Cathy Pitts: Scheduled to appear in another jurisdiction on unspecified days during the week of December 3, and from December 10 to December 12. May be available on some days during those weeks.

Steve Turner: Also scheduled to appear in other jurisdictions during the weeks of December 3 and December 10, on unspecified days. May be available on some days during the week of December 3.

Bob Mercer: Probably not available from November 26 to November 28, and on December 6 and 7.

AT&T believes that its other witnesses are generally available during these three weeks.

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Unfortunately, Verizon has not shared any specific information regarding the availability of its witnesses during the three weeks scheduled for hearings, but has instead made the blanket assertion that many of its witnesses have many but unspecified scheduling conflicts. As a result, AT&T has been unable to develop a proposed schedule for the order of issues and witnesses.

Second, AT&T respectfully urges the Department not to delay this proceeding for additional months merely because Verizon is unable to provide missing documentation needed to support Verizon's cost models. The discovery that Verizon says it is unable to produce in response to questions ATT-VZ 14-10, 14-11, 14-14, 14-15, and 14-32 is critical backup for unsupported inputs to Verizon's own cost models. In other words, this is information that Verizon should have had available to support its own direct case, which it filed on May 8, 2001.

If the hearing dates need to be adjusted or expanded slightly to accommodate scheduling conflicts that witnesses have in other jurisdictions, AT&T asks that those adjustments be made quickly and that the date for the filing of surrebuttal testimony be adjusted accordingly. However, Verizon should not be permitted to delay this proceeding for many additional months merely because it has now been revealed that key inputs to Verizon's cost models have no support, backup, or documentation.

Very truly yours,

Kenneth W. Salinger

pc: Service List (by e-mail)